

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

MAR 20 2017

JULIA C. DUDLEY, CLERK  
BY:  DEPUTY CLERK

STEVEN E. HUNGATE,  
Plaintiff,

Civil Action No. 7:17-cv-00056

v.

MEMORANDUM OPINION

HARTS, et al,  
Defendant(s).

By: Michael F. Urbanski  
United States District Judge

Steven E. Hungate, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, while incarcerated. By its Order entered February 14, 2017, the court advised plaintiff that a failure to update a mailing address after a transfer or release from incarceration will result in dismissal of this action.

The court's mail to plaintiff has been returned (ECF No. 10) as undeliverable, and plaintiff has not contacted the court since February 22, 2017. Plaintiff failed to comply with the court's Order requiring plaintiff to maintain an accurate mailing address. Therefore, the court finds that plaintiff failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b), by not complying with the court's February 22, 2017, Order. Accordingly, I dismiss the action without prejudice and deny all pending motions as moot. See Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTER: This 20<sup>th</sup> day of March, 2017.



United States District Judge